

## **REMARKS/ARGUMENTS**

Claims 2, 3, 5, 9, 12, and 13 are pending in the present application. Claims 2, 5, 9, 12, and 13 are amended. Support for the amendments to the claims may at least be found in the language of canceled independent claims 1 and 8. As a result, no new matter is added by any of the amendments to the claims. Reconsideration of the claims is respectfully requested.

In the Miscellaneous Action with Shortened Statutory Period, the Examiner states:

The Board of Patent Appeals and Interferences affirmed the rejections against independent claims 1, 8, and 11, but reversed all rejections against claims 5 and 9 dependent thereon. There are no allowed claims in the application. The independent claims are cancelled by the examiner in accordance with MPEP § 1214.06. Applicant is given a ONE MONTH TIME PERIOD from the mailing date of this letter in which to present the dependent claim(s) in independent form to avoid ABANDONMENT of the application. NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) WILL BE GRANTED. Prosecution is otherwise closed.

Miscellaneous Action with Shortened Statutory Period dated September 30, 2008, page 2, item 2.

In response, claims 5 and 9 are amended in independent form to avoid abandonment of the application. Claims 2, 12, and 13 are amended to coincide with the amendments to claims 5 and 9 and the Examiner's cancellation of claims 1, 8, and 11.

It is respectfully urged that the subject application is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: October 7, 2008

Respectfully submitted,

/Peter B. Manzo/

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